THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22457 of 2007

Dated:25.10.2007

Between

K.Mangamma

..Petitioner

and

1.The APSRTC rep., by its Managing Director, Mushirabad, Hyderabad and others.

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22457 of 2007

ORDER:

This writ petition is directed against the show cause notice dated 16.10.2007 issued by the 3rd respondent to the petitioner, as to why she should not be removed from service.

According to the petitioner, she was appointed as a Conductor in the respondent-Corporation in the year 1997 and she has been discharging her duties to the utmost satisfaction of one and all. While that being so, when she was conducting a bus on 15.6.2007, a passenger, aged about 75 years, boarded the bus and gave Rs.20/- and asked her to give a ticket from Shailarpur to Talakondapalli. The petitioner collected Rs.4/- towards fare and returned Rs.16/-. At Veljala

stage, the checking officials checked the bus and found that the above said passenger failed to alight the bus at Talakondapalli. According to the petitioner, the said passenger was sick. In fact, in the enquiry conducted by the Department, the said passenger stated that because of his ill health, he could not alight the bus at Talakondapalli and travelled up to Veljala and therefore, a mistake had occurred.

Learned counsel for the petitioner submitted that in view of the said statement made by the passenger before the Enquiry Officer, the question of the proposed punishment of removal from service against the petitioner does not arise and therefore, the very show cause notice is arbitrary and illegal.

I am not in agreement with the said submission made by the learned counsel for the petitioner. The respondent-Corporation had issued only the show-cause notice proposing the said punishment, but no final decision was taken by it. After submitting the explanation by

the petitioner, the respondent-Corporation may impose the ultimate punishment. Though I am in agreement with the submission made by the learned counsel for the petitioner that in a case of this nature, imposing punishment of removal from service would be not only harsh but also disproportionate to that of the alleged misconduct, that cannot be decided at this stage. It is for the authorities to decide and impose a lesser punishment than removal from service.

Under these circumstances, the writ petition is disposed of, directing the petitioner to submit her explanation to the impugned show cause notice within one week from today and on submitting such an explanation, the respondent-Corporation shall take the same into consideration along with the statement made by the said passenger during the course of enquiry conducted by the Department and pass appropriate orders as per law. No costs.

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25-10-2007

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